

**REMARKS**

Applicant has now had an opportunity to carefully consider the Examiner's comments set forth in the Detailed Action of July 11, 2005 and the telephone conferences of September 12, 2005 and October 24, 2005.

Reexamination and reconsideration of the Application is requested.

**The Office Action**

Claims 1-19 were presented for examination.

Claims 20-22 (now removed) were proposed in the first Amendment After Final.

Applicant proposes canceling claims 7-11. Non-entered claims 20-22 are removed in this paper (with the contents of claims 20 and 21 being incorporated into claims 1 and 12).

Claims 1, 7, 12, 15-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,880,733 to Horvitz et al in view of U.S. Patent No. 6,661,426 to Jetha et al.

Claims 2 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,880,733 to Horvitz et al in view of U.S. Patent No. 6,661,426 to Jetha et al in further view of U.S. Patent No. 6,104,377 to Ledoux.

Claims 3 and 4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,880,733 to Horvitz et al in view of U.S. Patent No. 6,661,426 to Jetha et al in further view of an article entitled "Networking Personal Computers with TCP/IP" authored by Hunt.

Claims 5, 6, 11, and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,880,733 to Horvitz et al in view of U.S. Patent No. 6,661,426 to Jetha et al in further view of U.S. Patent No. 6,466,831 to Shibata et al.

Claim 10 stands rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,880,733 to Horvitz et al in view of U.S. Patent No. 6,661,426 to Jetha et al in further view of U.S. Patent No. 5,920,687 to Winner et al.

**Acknowledgement of the Telephone Conference of October 24, 2005**

Applicant thanks the Examiner and his Supervisor for their time during the telephone interview of 10/24/05. During that interview, the issue involving the distinction between a "window" versus the term "container" of claim 1 and 12, was

once again discussed. Applicant respectfully submits that a two-dimensional box (or window) is not a container. As discussed in the previously submitted After Final Amendment, a "container" is inherently three-dimensional that can include items contained "within" the container. By contrast, a "window" is inherently two-dimensional and cannot properly be thought of as a three-dimensional object capable of containing items "within". This interpretation of the term "container" in claims 1 and 12 is consistent with a plain reading of the claims and detailed description.

Furthermore, it is Applicant's understanding that the Examiner has performed an adequate search of the prior art based upon the disclosures in the drawings and detailed description of the present application. Upon review of the disclosure it is apparent that both Figure 5 and Figure 8 relate to three-dimensional desktop environments having three-dimensional container objects with content objects contained therein. Accordingly, a prior art search encompassing three-dimensional desktop art would have been performed by the Examiner. In fact, during the telephone conversation of 10/24/05 the Examiner stated, through his Supervisor, that an adequate search of the relevant art involving three-dimensional desktops was performed.

In the meantime, the Examiner has agreed that the language proposed in claims 20 and 21 would distinguish over the prior art references cited in the Office Action. However, the Examiner believes that while incorporating claims 20 and 21 into respective independent claims 1 and 12 would distinguish over the instant prior art, that doing so would require additional search and consideration. Applicant respectfully traverses this position. First, Applicant submits that this language is merely clarifying language for the Examiner and does not change the scope of the claims. Second, the Examiner stated that an adequate search of the relevant art involving three-dimensional desktops was already performed and as such, no further search is required.

Therefore, in an attempt to move this application forward by placing claims 1 and 12 into condition for allowance, Applicant has (by this Amendment) incorporated the clarifying language of previously non-entered claims 20 and 21 into proposed claims 1 and 12, respectively.

**CONCLUSION**

For the reasons detailed above, it is submitted all claims remaining in the application (Claims 1-6 and 12-19) are now in condition for allowance. The foregoing comments do not require additional search or consideration.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to call Mark Svat, at Telephone Number (216) 861-5582.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & McKEE, LLP

27 October 2005  
Date

Timothy E. Nauman  
Timothy E. Nauman  
Reg. No. 32,283  
1100 Superior Avenue, 7<sup>th</sup> Floor  
Cleveland, Ohio 44114-2579  
(216) 861-5582

N:\XERZ\200449\US\AFT\0000072V\001.DOC